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NORTH CAROLINA
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State of North Carolina
Department of Environmental Quality
Division of Water Resources

15A NCAC 02B .0233 (8)(b), .0243 (8)(b), .0250 (11)(b), .0259 (8)(b), .0267 (11)(c), .0607 (e)(2)– Buffer Authorization Instructions for Application Form BA 08-2018

Instructions for Online Buffer Authorization Application

The Buffer Authorization (BA 08-2018) form is applicable for applicants seeking approval for activities within North Carolina's protected riparian buffers when the activities do not impact any streams or wetlands. If your project requires that you apply for a U.S. Army Corps of Engineers (USACE) 404 or Section 10 permit or a state 401 Water Quality Certification or Isolated/non-404 permit, please use the PCN form, as it addresses a combination of activities involving buffers, streams, wetlands, and other waters.

Prior to starting any work in an area that may impact protected buffers, the applicant is required to secure authorization from the Division of Water Resources (DWR), unless the work is exempt or prohibited (see below). DWR will review your application for completeness within 45 calendar days of receipt and notify you if additional information is needed to process your request. You may not begin work until your application is complete and you receive written notification of approval/ authorization. Once your application is complete, DWR will process your Buffer Authorization within 60 calendar days.

HOW DO I KNOW IF I NEED A BUFFER AUTHORIZATION?

Each buffer rule (see citations below) requires that the riparian buffer be undisturbed, regardless of property size or type of land use. The riparian buffer applies to intermittent, perennial and modified natural streams, rivers, lakes, ponds, reservoirs, and estuaries that are shown on the most recent published version of the NRCS Soil Survey or the most recent 1:24,000 scale USGS topo maps. In the Randleman watershed, a feature does not have to be depicted on one of the two maps to be subject. Within each set of buffer rules[1], there is a Table of Uses for specific activities:

- **Exempt** uses are allowed in the riparian buffer without approval from DWR.
- **(Potentially) Allowable** or **Allowable with Mitigation** uses may occur in the buffer once a Buffer Authorization is issued from DWR. Some of these impacts may require mitigation.
- **Prohibited** uses are not allowed in the buffer unless a variance is granted from DWR or the N.C. Environmental Management Commission. Activities not listed in the Table of Uses are **prohibited**.[2]

[1] Rules:

Neuse	15A NCAC 02B .0233 (8)(b)	Catawba	15A NCAC 02B .0243 (8)(b)
Randleman	15A NCAC 02B .0250 (11)(b)	Tar-Pamlico	15A NCAC 02B .0259 (8)(b)
Jordan	15A NCAC 02B .0267 (11)(c)	Goose Creek	15A NCAC 02B .0607 (e)(2)

[2] Session Law 2012-200 allows for the construction of single family residences on existing lots (i.e. lots platted and recorded before August 1, 2000 that are 2 acres or less) located within the Neuse or Tar-Pamlico River Basins. (Also reference Session Law 2011-394.)

FEES

There is no application fee for Buffer Authorizations.

APPLICATION FORM INSTRUCTIONS

Below you will find detailed instructions on how to fill out each section of the BA 08-2018 form.

A. Owner/ Applicant Information

Primary Contact Email: primary contact person for questions regarding the project or payment needs

Who is submitting the application?

Specify if the applicant is an owner, agent, another party, or any combination thereof.

1. Property Owner Information – Although the agencies will communicate with the individual(s) listed as "applicant" on the BA 08-2018, the owner receives the original of all communications.

1a. Name on Recorded Deed:

A responsible individual must be identified for the proposed project, even if it is a corporate effort.

1b. Responsible Party:

You must identify an individual as the contact person and responsible party for the proposed project when the land is owned by a corporation. This can be a responsible officer of the company, registered agent, partner, or owner.

1c. - 1e. Contact information (Self-explanatory)

2. Applicant Information (if different from owner):

2a. – 2e. Applicant/ Company Name and Contact Information

(Complete if the applicant is different from the owner. Self-explanatory)

2f. Authorization:

If the applicant is not the property owner, you must include authorization granting the applicant signatory authority from the owner with your BA 08-2018 form for it to be considered complete. A signed and dated copy of an Agent Authorization form or letter must be attached if the Agent has signatory authority for the owner/applicant. (See the sample agent authorization form on the web and upload the completed PDF.)

3. Agent Information –

3a. – 3e. Applicant/ Company Name and Contact Information (Self-explanatory)

3f. Agent Authorization:

If you list an agent or consultant, you must include an agent authorization letter with your BA 08-2018 form for it to be considered complete. A signed and dated copy of an Agent Authorization form or letter must be attached if the Agent has signatory authority for the owner/applicant. (See the sample agent authorization form on the web and upload the completed PDF.)

B. Project Information and Prior Project History

1. Project Information - These fields will help us identify your project and direct it to the correct project manager for timely review.

1a. Name of project:
If your project has a formal name, please use this. If your project does not have a formal name, please identify your project by the owner name and proposed activity (Jones Property Access Road, Smith Guest House, etc.) List in parentheses any other names that have been used to identify the project in the past.

1b. Is this a publicly-funded transportation project?
If so, check yes…
1c. TIP#
…and enter the TIP number assigned to the project.

1d-1e. Subdivision Name and Nearest Municipality (Self-explanatory.)

1f. Property size:
This information can be found on a property survey, plat, or from tax parcel records. List in acres (or decimal fraction of an acre).

1g. County/ Counties where project is located (Self-explanatory. Multiple counties may be added.)

1h. Property identification no. (Tax PIN or parcel ID) and Date of Purchase
List the identifying tax ID, parcel ID or PIN (whichever is the primary identifying information for real estate tax purposes in the county in which your property is located). This information can frequently be found online through your county tax records or on a real estate tax invoice for the property, or from the local County tax assessor's office or register of deeds. Some counties have interactive GIS maps that show the property identification numbers as well. Multiple identification numbers may be entered.

NC State Property Office to find tax parcel ID for your county
Available NC County GIS Data (list managed by NCSU)

Date of purchase information can be found from your county tax records or on a real estate tax invoice for the property, or from the local County tax assessor's office or register of deeds.

1i. Deed Information:
Enter deed book and page number and map book and page number for the property(-ies).

1j. Attach a copy of the recorded map that indicates when the lot was last platted

1k. Latitude and Longitude information (in decimal degrees):
The site coordinates are necessary so the agencies can accurately locate and analyze impacts from your proposed project. For linear projects, such as roads or utility lines, upload a sheet that separately lists the coordinates for each crossing of a waterbody. (This may be included in the **Additional Information** portion at the end of **Section F: Supplementary Information**.) For a single coordinate, clearly label the location in which this coordinate was taken on attached site maps.

Site coordinates can be obtained from maps (online and paper), surveys, or from GPS devices. Coordinates should be written as latitude and longitude and expressed in decimal degrees with decimals carried out to 4 places.

You may choose to manually enter this information, or for assistance in finding the latitude/longitude information for you project, you may select "Address Lookup".
GetLatLong.net may also be a helpful site for obtaining coordinates.

1l. Is the project located in any of NC's twenty coastal counties?
A list of the 20 Coastal Counties can be found on the Division of Coastal Management page.

1m. Is the project located within a NC Division of Coastal Management Area of Environmental Concern (AEC)?
To learn more about AECs and CAMA permits, visit the NC Division of Coastal Management's web site.
You may also contact the NC DCM representative for your project area.

2. Surface Waters

2a. Name of nearest body of water to proposed project:
The nearest named body of water can be found by looking on the 1:24,000 USGS Topographic map for the project location. You may consult a number of resources:

NC Surface Water Classifications Map
USGS Store :Click the "Map Locator" button to jump to the map, type the address into the search bar or navigate to the location on the map, double-click to select the location, click "view products" in the pop-up box, and choose the most recent 1:24,000 version and click "view PDF" to download an interactive topographic map.
USGS National Map
NC One Map

If a creek or other waterbody does not have a known name, please identify it as an "Unnamed tributary to ____" and list the nearest named stream into which it flows.

2b. Water Quality Classification of nearest receiving water:
Surface Water Classifications are designations applied to surface water bodies, such as streams, rivers and lakes, which define the best uses to be protected within these waters (for example swimming, fishing, drinking water supply) and carry with them an associated set of water quality standards to protect those uses. Surface water classifications are one tool that state and federal agencies use to manage and protect all streams, rivers, lakes, and other surface waters in North Carolina.

NC Surface Water Classifications Map- navigate to your location on the map for surface water information based on location
Water classifications in North Carolina and look-up tools for waters in each major river basin
Water Resources data, statistics, and maps

2c. List the total estimated linear feet of all existing streams (intermittent and perennial) on the property:
Self-explanatory

3. Project Description

3a. Describe the existing conditions on the site and the general land use in the vicinity of the project at the time of this application:
Describe the existing land cover (e.g. forested, maintained herbaceous cover, agriculture, pastureland, etc.) and developed areas (e.g. urban/suburban residential, commercial, industrial, etc.) of the subject site and vicinity.

3b. Upload an 8½ x 11 excerpt from the most recent version of the USGS topographic map indicating the location of the project site.
USGS maps may be found via the USGS Store. Click the "Map Locator" button to jump to the map, type the address into the search bar or navigate to the location on the map, double-click to select the location, click "view products" in the pop-up box, choose the most recent 1:24,000 map version and click "view PDF" to download an interactive topographic map.

You may also consult other resources. The latitude and longitude of your site may also be found on the NC One Map and USGS National Map.

3c. Upload an 8½ x 11 excerpt from the most recent version of the published County NRCS Soil Survey maps depicting the project site (.pdf only):
Soil Surveys for North Carolina Counties may be found on the Natural Resources Conservation Service (NRCS) website. To select the **most recent published** map, find the proper county, select the most recent date that *also* is denoted as "yes" in the "Archived PDF online" column.

You may also use the "Most recent published Soil Survey Table" under "Maps" from the Riparian Buffer Protection Program page to determine/ verify the **most recent published** version.

You may also contact your local NRCS office for a paper version of your County's Soil Survey. Contact information for local offices may be found by county. Click on NC then the appropriate county at: https://offices.sc.egov.usda.gov/locator/app .

The "Web Soil Survey" may **not be used for the purpose of the riparian buffer rules.*

4. Proposed Activity

Provide a detailed description of the proposed activity including its purpose and the type of equipment to be used:
Fully describe the project and what is planned to occur. This information is critically important because the purpose dictates how alternatives to your proposed work are considered. Provide a clear, concise description of the primary goals of the proposed project; for example: "build a driveway to access a new single family residence." Explain any site specific constraints that may exist on the property that will affect how your project is built. Also list any special or unique equipment here that may be used on the project.

Attach a site plan as applicable to the project:
See the posted instructions on what you will need to show on your site plan.

5. Jurisdictional Determinations

5a. Have jurisdictional wetland or stream determinations by the USACE or State been requested or obtained for this project (including all prior phases) in the past?
Learn more about jurisdictional determinations by visiting the USACE website.

Learn more about state jurisdictional determinations for the purposes of the riparian buffer rules under "Stream Determinations" at the DWR 401 & Buffer Permitting website.

5b. Who did the determination on the jurisdictional areas?
If determinations have been requested or obtained, provide the organization and name of the person or persons who delineated the jurisdictional areas, list the dates of the determinations, and upload copies of the JD or DWR letter.

Comments:
Explain any items that may need clarification

6. Project History

6a. Have permits or certifications been requested or obtained for this project (including all prior phases) in the past?
This includes 404 permits, 401 Certifications, Riparian Buffer Authorizations, Isolated Wetland (non-404 General) Permits, and State and local stormwater management plans.

6b. List any permits/ approvals that have been requested or obtained for this project in the past.
Include application date, date(s) permit(s)/ certification(s) were issued or withdrawn, and permit/ certification type(s).

6c. Explain and detail
Include the USACE Action ID Number, DWQ/DWR Project Number. Describe previously approved wetland, stream and buffer impacts, along with associated mitigation (where applicable). If this is an NCDOT project, list and describe permits issued for prior segments of the same T.I.P. project, along with construction schedules.

7. Future Project Plans

7a. Is this a phased project?
Some construction and development projects are divided into smaller, manageable parts for logistical or economic reasons. If this application is for a phased project, the owner must get approval in the context of how the project will be phased.

7b. If yes, explain.
Clearly describe each phased project and provide a proposed timeframe for completion of each phase. Include information if the project has undergone review through a master planning process for a municipality.

C. Proposed Impacts Inventory

Buffer Impacts

1a. Project is in which protected State protected river basin?
Select the appropriate corresponding river basin or protected watershed: Neuse, Tar-Pamlico, Catawba, Randleman, Jordan or Goose Creek. You can find which basin using one of the maps provided on the Interactive Maps & GIS Resources page or using the River Basin Interactive Map.

1b. **For Goose Creek only:** is the buffer in the 100-year floodplain?
In the Goose Creek Watershed, Zone 1 extends landward a distance of 200 feet within the 100-year floodplain and 100 feet outside the 100-year floodplain. The 100-year floodplain in the one percent

Annual Chance Floodplain as delineated by the NC Floodplain Mapping Program in the state Division of Emergency Management (www.ncfloodmaps.com).

1c. Individually list all buffer impacts in the Table.
Click to add additional lines/ sites as needed.

Site # - Reason for impact:
Each site should be individually listed and numbered/ named. The impact site numbers should be labeled and correspond with those on your impact maps. The reason for the impact should correspond with the categories in the Table of Uses. (Uses are found within each individual corresponding buffer rule.) Use examples may include house, driveway, walkway, access road, etc. An example map label entry might be "Road Crossing 1" to depict the reason for impact and site designation.

Stream name:
Enter the name of the stream adjacent to the buffer (i.e., the stream labeled on the USGS topographic map). If the stream has no name, then call it an unnamed tributary (UT) to the nearest named stream. If there are multiple unnamed tributaries to the same named stream on the site, then list them numerically (such as UT-1 to Swift Creek, UT-2 to Swift Creek, UT-1 to Davis Creek, etc.).

Buffer Impacts: Permanent or Temporary:
Check the corresponding box (P) permanent or (T) temporary for each buffer impact.

Impact Type:
Impact types include exempt, allowable, or allowable with mitigation, as shown in the Table of Uses (click appropriate rule and scroll through rule to find tables of uses within to determine impact type).

Zone 1 impact (square feet):
Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to the surface water.

In the 20 Coastal Counties, Zone 1 shall begin at the most landward limit of the following and extend landward a distance of 30 feet: normal high water level, normal water level or the landward limit of the coastal wetlands and defined by the Division of Coastal Management (DCM).

In the **Goose Creek Watershed**, Zone 1 extends landward a distance of 200 feet within the 100-year floodplain and 100 feet outside the 100-year floodplain. The 100-year floodplain in the one percent Annual Chance Floodplain as delineated by the NC Floodplain Mapping Program in the state Division of Emergency Management (www.ncfloodmaps.com).

Zone 2 impact (square feet):
Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water. Ensure that the buffer impact is broken down by zones and is also enumerated by zone on your impact maps.

In the **Goose Creek Watershed**, there is no Zone 2.

Total impacts
Total proposed impacts to buffers, Zone 1, and Zone 2 are auto-calculated.

Comments:
Explain any items that may need clarification or that do not fit perfectly into the table.

D. Impact Justification and Mitigation

Pursuant to state rules, you must exhaust all reasonable measures to avoid impacts before you propose any impacts to protected riparian buffers. In this section, you must provide a justification that explains how you minimized all proposed impacts. The justification must detail the design and proposed construction measures you took to avoid or minimize impacts. If the impacts are required by a local government or other agency, the claim must be supported with appropriate written documentation from the local government or other agency. Include relevant site constraints factors that shaped your design or construction choice, such as topography, building ordinances, and accessibility.

1. Avoidance and Minimization

1a. Specifically describe measures taken to avoid or minimize the proposed impacts in designing the project:

Minimizing and avoiding impacts should be a critical part of the design process. The following is a checklist of avoidance and minimization questions that DWR Staff often look for in applications. If the answer is "yes" to any of the below questions, then you should provide a specific justification addressing these issues as to why the impacts are necessary.

- Can property access routes be moved or reduced to avoid impacts?
- Can a building, parking lot, etc. be realigned to reduce or avoid impacts?
- Can the site layout be reconfigured to reduce or avoid impacts?
- Can headwalls or steeper side slopes be used safely to reduce or avoid impacts?
- Can a retaining wall be used safely to reduce or avoid impacts?
- Can lots be reshaped or can shared driveways be used to reduce or avoid impacts?

1b. Specifically describe measures taken to avoid or minimize the proposed impacts through construction techniques:

List all techniques and practices that you plan to use to avoid and minimize impacts from the construction of the project (e.g., erosion control measures, hand clearing versus use of heavy equipment, site access from high ground, pre-fabrication of materials in high ground to minimize time in sensitive environments, etc.)

2. Buffer Mitigation

Items listed in the Table of Uses as "(Potentially) Allowable with Mitigation" require mitigation. The tables below identify the total square footage of impact to each zone that requires mitigation and calculates the total amount of mitigation required according to the information entered for the project in the Proposed Impacts Inventory section (Section C).

2a. Zone 1 and Zone 2*: total impact, multiplier, required mitigation:

See Zone 1 description in Section C (1c) above.

For **Goose Creek, there is no Zone 2, the mitigation multiplier is 3:1 for the entire buffer*
For **Catawba, the mitigation multiplier for Zone 1 impacts is 2:1*

2b. What is the plan for mitigation proposed for this project?
Mitigation options include permittee responsible mitigation or purchasing riparian buffer mitigation credits from a private mitigation bank or the Division of Mitigation Services (DMS). Select the option(s) that apply to your project.

A list of available mitigation banks can be found online here.
Session Law 2009-337 stipulates payment of a fee into the NC EEP is only available to an applicant who demonstrates that appropriate mitigation is not available from a compensatory mitigation bank.

2c. Provide a description of your permittee responsible mitigation plan.
If on-site riparian buffer restoration is proposed, a detailed restoration plan must be included in the application package following the most recent DWR guidelines in 15ANCAC 02B. 0295. Upload all appropriate information as identified within 15A NCAC 02B .0242, .0244, .0260, .0244, .0252, .0609, or .0268.

2d. Upload a detailed planting plan for permittee responsible mitigation to include plant type, date of plantings, the date of the one-time fertilization in the protected riparian buffers, and a plan sheet showing the proposed location of the plantings.

2e. Upload the statement of availability from the mitigation provider if purchasing mitigation credits from a mitigation bank.
If mitigation is proposed through a private mitigation bank, statement of availability must be included in the application package specifying that they have the appropriate number of credits that your project requires. DWR recommends that you request the maximum possible mitigation amount that may be required so that you will not have to get further approval on short notice.

2f. Upload the reservation letter from NC DMS if purchasing mitigation credits from an in-lieu fee program.
If mitigation is proposed through NC DMS, an acceptance letter must be included in the application package specifying that they have the appropriate number of credits that your project requires. DWR recommends that you request the maximum possible mitigation amount that may be required so that you will not have to get further approval on short notice.

2g. Comments:
Explain any items that may need clarification or that do not fit perfectly into this Buffer Mitigation section.

E. Diffuse Flow Plan

All buffer impacts & high ground impacts require diffuse flow or other form of stormwater treatment. If the project is subject to a state implemented riparian buffer program, upload a plan that fully documents how diffuse flow will be maintained. All stormwater control measures (SCMs) must be designed in accordance with the NC Stormwater Design Manual. Associated supplement forms and other documentation must be provided.
For a list of options to meet the diffuse flow requirements, click here.

1a. Check all Stormwater Control Measures proposed for your project

- □ Level Spreader
- □ Vegetated Conveyance (lower SHWT)
- □ Wetland Swale (higher SHWT)
- □ Other SCM that removes minimum of 30% nitrogen before discharging through the buffer

1b. Describe how diffuse flow will be maintained
You may find guidance outlined in the Stormwater Design Manual or at the sites provided below helpful.

1c. Diffuse Flow Documentation
Complete and upload applicable forms:

- Level spreader & bmp forms
- SWU-101 form
- Supplement EZ form
- O&M EZ form

(Additional) Forms may also be found at:

- https://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-rules/stormwater-program/post-construction
- https://deq.nc.gov/about/divisions/water-resources/water-resources-permit-guidance/stormwater-bmp-manual

F. Supplementary Information

Environmental Documentation

1a. Does the project involve an expenditure of public (federal/state/local) funds or the use of public (federal/state) land?
If the "yes" box is checked, an environmental document (SEPA) may be required.

1b. If you answered "yes" to the item above, does the project require preparation of an environmental document pursuant to the requirements of the National or State (North Carolina) Environmental Policy Act (NEPA/SEPA)?
The environmental documents that may be required are an Environmental Assessment (EA) or an Environmental Impact Statement (EIS).

1c. If you answered "yes" to the item above, has the document been finalized by the State Clearing House?
If this document is required, your application will not be considered complete without the final approval letter from the State Clearing House. Pursuant to 15A NCAC 01C .0107, no DENR agency shall undertake any action which might limit the choice among alternatives or otherwise prejudice the ultimate decision on the issue.

1d. If so, upload a copy of the NEPA or SEPA final approval letter (.pdf only)

Violations

2a. Is the site in violation of DWR Wetland Rules (15A NCAC 2H .0500), Isolated Wetland Rules (15A NCAC 2H .1300), DWQ Surface Water or Wetland Standards, or Riparian Buffer Rules (15A NCAC 2B .0200)?
A Notice of Violation does not have to be issued for a site to be in violation of the aforementioned rules and/or standards. If your site has unauthorized fill in wetlands, streams, or riparian buffers then this box should be checked. If a Notice of Violation is issued for your site, then a copy of the Notice of Violation must be uploaded with your application package or your application package will be considered incomplete. (This may be included in the **Additional Information** upload referred to at the end of this section.)

2b. Is this an after-the-fact authorization application?
Check “yes” if the impacts you are applying for have already been implemented.

2c. Provide an explanation of the violation(s):
Describe the nature of the violation(s) and any resolutions that have been discussed to get the site back into compliance.

G. Additional Information

Please upload any additional information you would like the Division to consider during application review.

Additional Comments:
Provide a detailed explanation of additional information uploaded above.

G. Sign and Submit

Applicant must read important signature certification information, then enter their name and digitally “sign”. (The date auto-populates.)

Click Submit (or save as draft for submittal at a later date).